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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,473	06/11/2007	Julian Mark Douglas Ashbourn	ARD142USA	5180
24339	7590	10/18/2010		
JOEL D. SKINNER, JR. SKINNER AND ASSOCIATES 212 COMMERCIAL ST. HUDSON, WI 54016			EXAMINER WERNER, BRIAN P	
			ART UNIT	PAPER NUMBER
			2624	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/587,473

**Applicant(s)**ASHBOURN, JULIAN MARK  
DOUGLAS**Examiner**

BRIAN P. WERNER

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/26/06, 6/11/07 and 9/18/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/18/07
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The preliminary amendment received on July 26, 2006 has been entered.

Claims 1-7 are now pending.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Specification***

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.

- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. Currently, the specification lacks a Brief Description of the Drawings, any reference to the drawings in the detailed description of the invention, and any demarcation between the aforementioned suggested sections of the specification. Conformity to U.S. practices is respectfully requested.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Farrell et al. (US 2005/0047629 A1). Regarding claim 1, Farrell discloses an Automatic

Performance Calibration (APC) technique comprising: monitoring transactional performance of a device, and re-calibrating the device automatically as required in order to achieve a pre-determined performance level (paragraphs 0086-0088).

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida (US 4,451,929). Yoshida discloses an Automatic Performance Calibration (APC) technique comprising: monitoring transactional performance of a device, and re-calibrating the device automatically as required in order to achieve a pre-determined performance level (figures 3 and 5).

8. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda et al. (US 2003/0051147 A1).

Regarding claim 1, Maeda discloses an Automatic Performance Calibration (APC) technique (figures 4-7) comprising: monitoring transactional performance of a device (initially, thresholds are set based on initial data as depicted in figure 7; the initial data are FRR and FARs as depicted in figures 4 and 5, and figure 7 at 132; as time goes on and more transactions are logged, the FRR and FARs are updated according to logged data as described in reference to figures 12 and 13), and re-calibrating the device automatically as required in order to achieve a pre-determined performance level (paragraphs 0124, 0141, 0144 and 0145; "As, actual authentication results with each authentication means are stored at every authentication as described above, the existing authentication performance of each authentication means may be

updated after statistical processing of the above stored results. Then, authentication may be selected by reflection of actual authentication results on the authentication performance of each authentication means, based on real performance of more actual authentication" at paragraph 0124; "Then, log data of actual authentication are analyzed as well as the case shown in the authentication-selection system according to the above second embodiment, and the results of the above analysis may be reflected on the authentication performance of each authentication means" and "Thereby, a best authentication every specific registrant may be selected, using the distribution of matching score for identical persons, and the distribution of matching score for other persons based on the actual authentication results" at paragraph 0144).

Regarding claim 2, the technique uses a method comprising the steps of (a) generating a score each time a match is made between data input using a reader and representative of a biometric characteristic and stored data (figures 12 and 13); (b) calculating an average value of the scores for a plurality of matches (the FRR and FARs are averages as depicted at figures 4 and 5); (c) comparing the calculated average value with a predetermined performance threshold (figures 5 and the process of figures 6 and 7); and (d) adjusting the calibration of the reader in response to the result of the comparison in step (c) (paragraphs 0124, 0141, 0144 and 0145; "As, actual authentication results with each authentication means are stored at every authentication as described above, the existing authentication performance of each authentication means may be updated after statistical processing of the above stored results. Then, authentication may be selected by reflection of actual authentication results on the

authentication performance of each authentication means, based on real performance of more actual authentication" at paragraph 0124; "Then, log data of actual authentication are analyzed as well as the case shown in the authentication-selection system according to the above second embodiment, and the results of the above analysis may be reflected on the authentication performance of each authentication means" and "Thereby, a best authentication every specific registrant may be selected, using the distribution of matching score for identical persons, and the distribution of matching score for other persons based on the actual authentication results" at paragraph 0144).

Regarding claim 3, the average score is calculated for a batch of a predetermined number of matches ("Here, the reflection based on the above log analysis may be performed, whenever log data are increased, or when predetermined number of log data are accumulated" at paragraph 0145).

Regarding claim 4, a plurality of devices are provided (the setting of individual thresholds as described with reference to figures 7 and 8 are performed for a plurality of devices as depicted in figure 9A, for example).

Regarding claims 5-7, upon accumulating log data and updating FARs and FRRs as depicted in figures 12 and 13, new thresholds are determined and new combinations of biometric input devices are selected to meet specified criteria as depicted in figures 7 and 8. The devices may be of the same type (e.g., "finger and finger" at figure 9A) or of different types (e.g., "finger and iris" at figure 9A).

***Summary of Rejections***

- 1 (102 – Farrell) (102 – Yoshida)(102 – Maeda)
- 2 (102 – Maeda)
- 3 (102 – Maeda)
- 4 (102 – Maeda)
- 5 (102 – Maeda)
- 6 (102 – Maeda)
- 7 (102 – Maeda)

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WERNER whose telephone number is (571)272-7401. The examiner can normally be reached on M-F, 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner  
Art Unit 2624

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